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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,252	11/16/2001	Sang On Park	2080-3-51	4919
35884	7590	10/05/2004	EXAMINER	
LEE, HONG, DEGERMAN, KANG & SCHMADEKA, P.C. 801 SOUTH FIGUEROA STREET 14TH FLOOR LOS ANGELES, CA 90017			VUONG, BACH Q	
		ART UNIT		PAPER NUMBER
		2653		2
DATE MAILED: 10/05/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/991,252	PARK, SANG ON	
	<b>Examiner</b>	<b>Art Unit</b>	
	Bach Q. Vuong	2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

#### A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 22-27 is/are allowed.
- 6) Claim(s) 1,5 and 6 is/are rejected.
- 7) Claim(s) 7-21 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Udagawa (US 5,737,289).

Udagawa, according to Figs. 1-17, shows a method of and an apparatus for generating an optimum recording power for optical recording medium comprising all features of the claimed invention as interpreted below:

Regarding claim 1, see Figs. 1-17 which show a method of generating an optimum recording power for an optical recording medium in which land and groove signal tracks composed of a plurality of sectors are provided, data can be recorded in one of the signal tracks, and position information on the signal track where the data can be recorded in the other signal track, an control information is wobbled in the signal tracks, the method comprising the steps of: synchronizing the sectors of the a test area (see test area TA) on the optical recording medium to perform an optimum power calibration (OPC); generating a recording pattern for performing the OPC; recording the recording pattern in a specified sector of the synchronized unrecorded test area as changing a recording power on the basis of a reference recording power recorded on the optical recording medium (see Figs. 3 and 4

for details); reproducing the data recorded in the specified sector with the respective changed recording power, and determining the optimum recording power from the characteristic of a reproduced signal; and recording user data in a predetermined user data area of the optical recording medium with the determined optimum recording power (see column 2, lines 4-59).

Regarding claims 5 and 6, see Figs. 15 and 16 which show a method of generating an optimum recording power for an optical recording medium wherein the recording power at the recording step is changed into (N is a natural number) levels for one sector.

***Allowable Subject Matter***

Claims 2-4, 7-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 2-4 and 7-21 are allowable over the prior art of record all the cited references, considered as closest prior art and viewed in combination or individual, fails to suggest or fairly teach a method of generating an optimum recording power for an optical recording medium including a combination of all features as recited in each of claims 2, 7, 8, 10, 12, 15, 20 and 21. Claims 3, 4, 9, 11, 13, 14 and 16-19 are allowable with their respective parent claim.

Claims 22-27 are allowed over the prior art of record all the cited references, considered as closest prior art and viewed in combination or individual, fails to suggest or fairly teach an apparatus for generating for generating an optimum recording power for an optical recording medium including all features as recited in claim 22. Claims 23-27 are allowed with their respective parent claim.

***Cited References***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references relate to data recording apparatus for recording data signals onto optical recording medium.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bach Q. Vuong whose telephone number is (703) 305-7355. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BV  
September 25, 2004



THANG V. TRAN  
PRIMARY EXAMINER